Supreme Court, U.S.
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NO.

In the
Supreme Court of the United States

ARNOLD DEWALT BEVERLY

Petitioner

vs.

UNITED STATES OF AMERICA

Respondent

On Petition For A Writ Of Certiorari

To The United States Court Of Appeals

For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

ARNOLD DEWALT BEVERLY

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QUESTION PRESENTED FOR REVIEW

In ARNOLD DEWALT BEVERLY v. UNITED STSTES OF AMERICA in the Ninth Circuit Court of Appeals ORDER Filed Sep. 30, 2009 within the 9th Cir. Gen. Ord. 6.11. Removed FRCP 12 (d); the courts below denied petitioner relief to in the court's own words "protect the courts interest" and as a result a procedural miscarriage of justice would result. The question presented is:

Why has the court refused to examine high crimes the Law makes criminal and denied due process?

LIST OF PARTIES

All parties appear in the captain of the case on the cover page

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STATUTES AND RULES

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Arnold Dewalt Beverly, respectfully prays that a writ of certiorari be issued to review the procedure below.

OPINIONS BELOW

The order of the United States Court of Appeals for the Ninth Circuit to the Petition

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JURISDICTION

The United States Court of Appeals for the Ninth Circuit decided Petitioner's case on September 30, 2009. Petitioner timely filed petition for certiorari paid docketing fees and submitted a petition in compliance

with RULE 33.1. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1253, the common law: and Equity.

STATEMENT OF THE CASE

Direct Broadcast Satellite "DBS" commercial license holders conspired to topple and did topple the legitimate United States Government from within.

The Federal Elections Commission "FEC" and the Federal Communications Commission "FCC" qualified this deposing operation and continue to conceal the strategic, tactical, economic, and political consolidation of this criminal group as in the meaning of, Title 18 U.S.C. § 1964 (a) (b) (c) (d).

This coup d' état consisted of the infiltration of a small, but critical segment of the federal apparatus, which

was then used to displace the influence of the rule of Law from the control of the remainder, thus armed force either military or paramilitary is not the defining feature of this coup d' é tat.

From the very top person in each federally licensed organization the decision was made to voluntarily disregard the duty to verify the 2008 campaign for the office of president of the United States.

Each DBS license holder set their agenda, staff, agents, trade associations up, and did use them.

Each broadcast enterprise continues in open defiance of their duties or consequences flouting their disregard for the rule of law at Petitioner and the legitimate government's expense.

During the 2008 election cycle, DBS license holders conspired to provide advertising to an unqualified

candidate for President of the United States. Under Federal Rules of Evidence, he is an illegal alien. Therefore the equal opportunities provisions of the Communication Act in this illegally manipulated state censored legally qualified candidates.

The FCC has the oversight responsibility to regulate DBS license holders who by law validate candidates for all public offices. Nevertheless, that fact does not remove the administrative responsibility resting on the FEC Title 2 Chapter 14 Subchapter 1 § 441h Fraudulent misrepresentation of campaign authority.

CASE SETTING

On October 8, 2008 the FEC threaten to report to the Department of Homeland Security that petitioner was a suspected terrorist. And that act catalyzed petitioner's Ex Parte Application filed in the District Court.

On October 14, 2008 petitioner filed an Ex parte Application with the United States District Court Eastern District of California.

October 21, 2008 Chief United States District Judge Anthony W. Ishii denied appellants ex parte application to All 50 States writing "It is unclear if Plaintiff has exhausted his administrative remedies".

Title 28 U.S.C. Sections 1331 & 1332, no hand that is placed on any of these documents can point to one piece of evidence supported by signature or affirmation given under the penalty of perjury to refute the claim that on January 20, 2009. The Chief Justice of the United States Supreme Court stood before the assembled host to swear or affirm into office an illegal alien as president of the United States.

At the time Direct Broadcast Satellite "DBS" license holders Direct TV and Dish Network first began

transmitting paid advertising on behalf of Candidates seeking public office. They were obligated to inform the public of the true identity of the advertisers. Title 47 C.F.R. §73.1212 Sponsorship identification 2 (e) fully and fairly disclose the true identity of the person. All commercial broadcast stations licensed through Federal Communication Commission "FCC" have the same license obligation including and not limited to Walt Disney Company, News Corporation, Viacom, Time Warner and all other legally bound broadcast stations that received money for transmitting an advertisement message.

When called in early January 2009, to come before the Supreme Court of the United States in Berg v. Obama No. 08-570 to defend the Rule of Law, neither the FEC nor the Solicitor General provided a legal comment or attempted to show any concern for statutory law whatsoever.

The FEC has taken every step necessary to conceal campaign fraud, wire fraud, mail fraud, money laundering and foreign government support.

As yet, no agency of government has been separated from this fraud placed before the nation. The Solicitor General also represents the FCC and the oversight responsibility Title 47 Code of Federal Regulations §73.1940 to legally qualify candidates for public office.

Title 18 United States Code § 1961-1968 Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal

The FEC submitted to the District Court's jurisdiction and venue when the FEC raised a defense by providing material to the Ninth Circuit District Court containing matter outside the pleadings. FEC

[Respondent's Exhibit 1] placed before the District Court and not excluded.

Petitioner requested, Equity Relief from the acts the law makes illegal in the form of revocation of each contributing commercial station's broadcast license for willful and repeated failure to operate substantially as set forth in their FCC agreement and Expedited Order transferring all relevant portions of this petition to the Federal District Court of Columbia, to be viewed in the light of Sections 16-3501, 16-3502, 16-3503 Quo Warranto the Constitutional means available to see a usurper in the 10 mile area of the District of Columbia removed.

Criminal Parties may not be immune from jurisdiction in the absence of a legally justifiable defense. Petitioner is praying that the United States Supreme Court follow the Federal Rules of Civil

Procedure specifically 12 (d) and weigh the merits of this case.

Title 47 U.S.C. § 312 Administrative sanctions (a) Revocation of station license..... (3) for willful or repeated failure to operate substantially as set forth in the license; (4) for willful or repeated violations of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter.

The duty to promote public confidence in the integrity and impartiality of the government applies to all including the discharge of judicial Equity.

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly the business of the court.

To promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expenses and delay is recommended by this suggested action to the Court for its consideration and adoption, modification or rejection in accordance with law.

This is an important case not a complicated case, under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

As the final arbitrator in what could be the finest moment of Anglo American Jurisprudence, shall the Supreme Court of the United States have a requital hearing?

Title 47 Code of Federal Regulations FCC Rules § 25.701 (b) (4) (iv) A candidate requesting equal opportunities of DBS providers or complaining of

noncompliance to the Commission shall have the burden of proving that he or she and his or her opponent are legally qualified candidates for the same public office, herein an impossible situation. Therefore the equal opportunities provisions of the Communication Act in effect censored all legally qualified candidates.

REASONS FOR GRANTING THE WRIT

OVERVIEW

Although, I, petitioner am not an attorney, I am embarrassed to be a witness in what remains the role of the government in supporting this ongoing racketeering activity.

The lower courts chose not to follow Federal Rules of Civil Procedure because all the material facts point to the validation of petitioner's claim and that claim

defies the international totalitarian bureaucratic agenda.

The most important asset a free people can have: Is the exchange of truthful information. In this event, the conspiring DBS monopoly used the goodwill and legitimacy associated with a restricted government regulated commodity. In the absence of the performance of statutory duty willful torts as in 28 U.S.C. § 2674 executed a failure of two key federal agencies of Government allowing DBS Broadcasters undisturbed commercial propaganda control.

VENUE AND PROCESS

18 U.S.C. § 1965 Venue and process

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any

district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require ... court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

18 U.S.C. § 1964 Civil remedies

(a) The district courts of the United States shall have jurisdiction to prevent and restrain

violations of section 1962 of this chapter by issuing appropriate orders,

IMPORTANCE OF THE ISSUES

This attack against the United States of America is a per se violation against petitioner and the rule of law.

Without the unlawful acts of the commercial, DBS License Holders who received paid advertising from an unqualified campaign, this planned attack against petitioner, and the rule of law would not have been. DBS License Holders as a group voluntarily united to transgress the law and exalt themselves above the Constitutional foundation of the United States of America. DBS station propaganda has trampled the minds of the people and alienated many from the concept of liberty.

The decisions of the Supreme Court of the United States are binding on all courts in all jurisdictions for matters of constitutional and federal law. The Ninth Circuit Appeals Court did not base its opinion on facts, but chose a political escape, and is not a statement of a decision. A literal decision based on the facts and the holdings in this important case.

Can the Supreme Court of the United States be moved to consider the question? Why has the court refused to examine high crimes the Law makes criminal and denied due process?

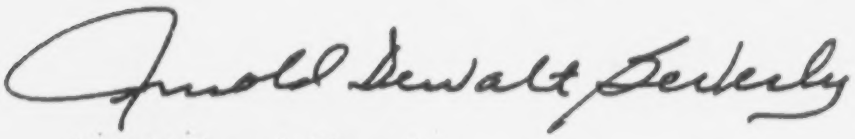
CONCLUSION

Petitioner prays that the Court grant a writ of certiorari, summarily vacate the order below and remand this case for further proceedings in light of 28 U.S.C. §§ 1331, 1332; 18 U.S.C. § 1964 (a) (b) (c) (d) and the failure to perform statutory duties on the part of

federal agencies of Government, within the meaning of 28 U.S.C. §2674.

Eligibility is a fundamental issue free of favoritism, bias or impartiality.

Respectfully submitted, December 8, 2009



Arnold Dewalt Beverly

Petitioner

APPENDIX

TITLE 18 > PART I > § 2

§ 2. Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, or induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

TITLE 18 > PART 1 > CHAPTER 96 > §1962

§1962 Prohibited activities (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity.

TITLE 18 > PART 1 > CHAPTER 96 > §1964

§1964. Civil remedies (a) The district court of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefore in any appropriate United States district court and shall recover three fold the damages he sustains and the cost of the suit.

Article II Section 1, Eligibility Requirements for the office of President: No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of the Constitution, shall be eligible to the office of President;

Federal Rules of Civil Procedure Rule 12 (d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12 (b) (6) or 12 (c), matters outside

the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Title 47 Code of Federal Regulations FCC Rules §73.1212 Sponsorship identification (a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce: (1) That such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) By whom or on whose behalf such consideration was supplied...(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such

licensee to make the announcement required by this section. (e) The announcement required by this section shall, in addition to the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person...

§73.1940 Legally qualified candidates for public office. (a) A legally qualified candidate for public office is any person who: (1) Has publicly announced his or her intention to run for nomination or office; (2) Is qualified under the applicable local, State or Federal law to hold the office for which he or she is a candidate; and (3) Has met the qualifications set forth in either paragraph (b), (c), (d), or (e) of this section.

§25.701 – Public interest obligations. (b) Political broadcasting requirements- (4) (iv) Burden of proof. A candidate requesting equal opportunities of DBS providers or complaining of noncompliance to the Commission shall have the burden of proving that he or

she and his or her opponent are legally qualified candidates for the same public office.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 09-15562 D.C. No.1:08-cv-01538-AWI-GSA Eastern District of California Fresno Order before KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

Appellant's petition for rehearing en banc is construed as a motion for reconsideration en banc of this court's July 1, 2009 order summarily affirming the district court's judgment. So construed, the motion is denied on behalf of the court. See 9th cir. Gen Ord. 6.11.

No further filings shall be accepted in this closed case.

Filed Sep 30, 2009

Title 47 U.S.C. § 312 Administrative sanctions (a) Revocation of station license..... (3) for willful or repeated failure to operate substantially as set forth in the license; (4) for willful or repeated violations of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter.